

MATTHEW D. METZGER (SBN 240437)
mmetzger@belvederelegal.com
BELVEDERE LEGAL, PC
1777 Borel Place, Suite 314
San Mateo, CA 94402
Telephone: (415) 513-5980
Facsimile: (415) 513-5985

STUART G. GROSS (SBN 251019)
sgross@grosskleinlaw.com
TIM KLINE (SBN 319227)
tk@grosskleinlaw.com
GROSS & KLEIN LLP
The Embarcadero
Pier 9, Suite 100
San Francisco, CA 94111
t (415) 671-4628
f (415) 480-6688

Attorneys for Creditor,
Dan Clarke

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re

PG&E CORPORATION

- and -

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

Bankruptcy Case
Case No. 19-30088 (DM)

Chapter 11

(Lead Case)

(Jointly Administered)

**NOTICE OF HEARING ON
MOTION FOR RELIEF FROM THE
AUTOMATIC STAY (CANNERY
MGP LITIGATION)**

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric
Company
☒ Affects both Debtors

** All papers shall be filed in the Lead Case,
No. 19-30088 (DM).*

Date: March 10, 2020

Time: 10:00 a.m.

Ctrm: Hon. Dennis Montali
450 Golden Gate Avenue
16th Floor, Courtroom No. 17
San Francisco, CA 94102

Objection Deadline:
March 5, 2020, at 4:00 p.m. (PT)

1 **PLEASE TAKE NOTICE** that on **March 10, 2020 at 10:00 a.m.**, at the United States
2 Bankruptcy Court for the Northern District of California, located at 450 Golden Gate Ave., 16th
3 Floor, San Francisco, California, in Courtroom 17 of the Honorable Dennis Montali, Dan Clarke,
4 Creditor herein (“Clarke”), will bring on for hearing his *Motion for Relief from the Automatic Stay*
5 (*Cannery MGP Litigation*) under 11 U.S.C. § 362(d)(1) (the “Cannery MGP Stay Relief Motion”).
6 Clarke brings this motion to initiate litigation concerning environmental contamination litigation
7 arising out of a manufactured gas plant (“MGP”) known as the “Cannery MGP” or “CAN MGP”
8 in the Ghirardelli Square area of San Francisco that debtors Pacific Gas and Electric Company and
9 PG&E Corporation owned and operated (the “Cannery MGP Litigation”). The Cannery MGP
10 Stay Relief Motion requests relief to pursue all remedies articulated in the October 23, 2018
11 *Notice of Intent to Sue Under the Resource Conservation and Recovery Act and Clean Water Act*
12 attached as Exhibit 1 to the Declaration of Stuart G. Gross filed herewith in support (the “NOI”).
13 In sum, Clarke’s claims in the Cannery MGP Litigation will include: *a)* claims under the Resource
14 Conservation and Recovery Act (“RCRA”) for injunctive relief for both marine and terrestrial
15 contamination; *b)* claims under the Clean Water Act (“CWA”) for injunctive relief and penalties;
16 *c)* attorneys’ fees and costs, including expert witness fees under both RCRA and the CWA; as well
17 as *d)* related California state law public nuisance claims for injunctive relief, compensatory and
18 punitive damages, and related attorneys’ fees and costs, which were not required to be stated in the
19 NOI.

20 **PLEASE TAKE FURTHER NOTICE** that Mr. Clarke further requests the order
21 granting relief from stay be made effective immediately and that the fourteen (14) day waiting
22 period of Bankruptcy Rule 4001(a)(3) be waived.

23 The Motion is based upon this Notice of Hearing, the Motion and Memorandum of Points
24 and Authorities, and the Declaration of Stuart G. Gross, the exhibits served with the Motion, any
25 reply, and on such other and further evidence and matters that the Court may consider at the
26 hearing on the Motion, as well as the March 13, 2019 *Final Order Pursuant to 11 U.S.C. §§*
27 *105(a) 363(b), and 507(a)(7) and Fed. R. Bankr. P. 6003 and 6004 (I) Authorizing Debtors to (A)*

1 *Maintain and Administer Customer Programs, Including Public Purpose Programs, and (B)*
2 *Honor Any Prepetition Obligations Relating Thereto; and (II) Authorizing Financial Institutions*
3 *to Honor and Process Related Checks and Transfers.* Dkt. No. 843 and related law and motion in
4 support of said final order. *See, e.g.,* Dkt Nos. 843.

5 **PLEASE TAKE FURTHER NOTICE** that you are hereby informed that any objection
6 by the Debtor or by the two official creditors' committees shall be filed **on or before 4:00 p.m.**
7 **prevailing Pacific standard time five days prior to the hearing** and served upon the
8 undersigned and on all "Standard Parties" as defined in paragraph 5 of the Case Management
9 Order. You may be able to appear at the hearing by telephone and should consult the Court's
10 Procedures for Appearances by Telephone.

11 **PLEASE TAKE FURTHER NOTICE** that as provided in Local Rule 4001-1(a), the
12 debtor, Pacific Gas & Electric Company, is advised to appear personally or by counsel at the
13 preliminary hearing; and that failure to so appear may result in the Court granting the relief
14 requested without further hearing, including determining that cause exists under §
15 362(d)(1) to grant Clarke relief from the automatic stay to liquidate Clarke's claims as
16 raised pre-petition in the District Court Case and to enforce related injunctive relief after
17 the District Court defines and enters a final ruling on liability.

18 Dated: February 13, 2020

BELVEDERE LEGAL, PC

20 By: /s/ Matthew D. Metzger
21 Matthew D. Metzger
22 Attorneys for Creditor Dan Clarke
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